

Serial No. 10/071,936
Response to Office Action of September 30, 2005

Filed: February 7, 2002

REMARKS

Claims 1, 4, 6 and 10-18 are currently pending in this Application. Favorable reconsideration and allowance of the present application are respectfully requested.

I. Rejections Under 35 U.S.C. § 103(a)

The Office Action rejected claims 1, 4, 6 and 10-18 under 35 U.S.C. § 103(a) as being obvious of Ollikainen (U.S. Publication No. 2003/0074475).¹ These rejections are respectfully traversed.

Claims 1, 4 and 14

The Office Action ignores a fundamental difference between Ollikainen and Applicants' claimed invention: continuous presentation vs. segmented presentation. Since Ollikainen is primarily directed to the presentation of video, continuous presentation is essential. The continuous presentation described by Ollikainen uses a buffer to prevent interruptions in the presentation of a file to the user:

If presentation of the converted data requires more bits per second or more bandwidth than either link A, through which the required data is supplied to node A, can offer or conversion block 62 can produce, enough converted data must be stored in the buffer, i.e., on hard disk 61, before starting the presentation so that presentation at the user's end can be carried out from the beginning to the end without interruptions.

Ollikainen at paragraph 55 (emphasis added).

In contrast, Applicant's claimed invention intentionally interrupts the presentation to the user. In claim 1, for example, "said proxy server transmits said second viewable segment upon receipt of a selection of said navigation aid by said wireless communication device." This

¹ Although the Office Action mailed September 30, 2005 indicated that claims 1-18 were rejected, only claims 1, 4, 6 and 10-18 are currently pending. See Office Action mailed 9/30/05 at 2.

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means the presentation will be interrupted between the first viewable segment and the second viewable segment until receipt of a selection of the navigation aid.

The Office Action acknowledges that Ollikainen does not disclose "selection of viewable segments from a wireless device with a navigation aid." See Office Action mailed September 30, 2005 at 3. However, the Office Action contends that this feature would be obvious, in part, because Ollikainen allegedly discloses the "buffering of data if the amount of data exceeds the capacity of the user device to receive it." Id.

Although Ollikainen describes the buffering of data, the delivery of the data to the user is substantially different than that of Applicants' claimed invention. In Ollikainen, the system delivers the data in a continuous manner. Since Ollikainen's system is primarily directed to the presentation of video, interruptions would be detrimental:

The invention is primarily intended to provide a sustained data transfer to a plurality of simultaneous users. Hence, the invention is particularly suited for use in video-on-demand systems in which a single server may provide services to even several thousand users.

See Ollikainen at paragraph 88 (emphasis added). The modification to Ollikainen suggested by the Office Action ignores a primary purpose of Ollikainen: sustained data transfer.

Ollikainen's continuous presentation teaches away from Applicants' segmented approach. If Ollikainen were modified as suggested by the Office Action, the file would be presented to the user in an interrupted manner, in which the navigation aid would need to be selected before transmission of the next viewable segment. This modification runs contrary to a statement in Ollikainen explaining the reason for buffering: "so that presentation at the user's end can be carried out from the beginning to the end without interruptions." See Ollikainen at paragraph

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55 (emphasis added). Moreover, the modification would render Ollikainen's system unsuitable for use with video.

It is well settled that an Examiner is prohibited from proposing a modification to a prior art reference that would render the prior art reference being modified unsatisfactory for its intended purpose. See MPEP § 2143.01. Furthermore, MPEP § 2145 indicates that it "is improper to combine references where the references teach away from their combination." Similarly, it is improper to modify a reference in an attempt to reject a claim where the reference teaches away from the modification. Since the modification suggested by the Office Action would eliminate continuous presentation of a file to the user, the primary purpose of Ollikainen's use of buffering, this rejection is improper and should be withdrawn.

For the reasons stated above, independent claim 1, and dependent claims 4 and 14, are patentable over the prior art. Applicants respectfully urge that an indication of allowability for claims 1, 4 and 14 be provided.

Claims 6 and 10

Independent claim 6 includes the feature where the second viewable segment is transmitted in response to selection of the navigation aid by the wireless communication device. As discussed above with respect to claim 1, Ollikainen teaches away from this feature. Accordingly, independent claim 6 and those dependent therefrom are patentable over the prior art. Applicants respectfully urge that an indication of allowability for claims 6 and 10 be provided.

Claims 11-13

Independent claim 11 includes means for transmitting a second viewable segment to the wireless communication device upon selection of the navigation aid by the wireless

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communication device. As discussed above with respect to claim 1, Ollikainen teaches away from this feature. Accordingly, independent claim 11 and those dependent therefrom are patentable over the prior art, and the rejections should be withdrawn. Applicants respectfully urge that an indication of allowability for claims 11-13 be provided.

Claim 15

The Office Action ignores the second navigation aid feature of independent claim 15: "wherein said proxy server is configured to transmit . . . a second navigation aid . . . , said second navigation aid being selectable with said wireless communication device to request said first viewable segment." This feature is not disclosed nor suggested by Ollikainen.

Moreover, claim 15 includes the feature "wherein said proxy server is configured to transmit said second viewable segment and a second navigation aid upon receipt of a selection of said first navigation aid by said wireless communication device." As discussed above with respect to claim 1, Ollikainen teaches away from this feature. Accordingly, independent claim 15 is patentable over the prior art. Applicants respectfully urge that an indication of allowability for claim 15 be provided.

Claim 16

The Office Action ignores the second navigation aid feature of independent claim 16. Claim 16 recites the step of "transmitting a second navigation aid and said second viewable segment to said wireless communication device." Additionally, claim 16 recites "in response to selection of said second navigation aid with said wireless communication device, transmitting said first viewable segment and said first navigation aid to said wireless communication device." These features are not disclosed or suggested by Ollikainen.

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Moreover, as discussed with respect to claim 1 above, Ollikainen teaches away from this feature. Accordingly, independent claim 16 is patentable over the prior art. Applicants respectfully urge that an indication of allowability for claim 16 be provided.

Claims 17-18

Independent claim 17 includes the feature where "said navigation aid selectable to request said second viewable segment." As discussed above with respect to claim 1, Ollikainen teaches away from this feature. Accordingly, independent claim 17 and dependent claim 18 are patentable over the prior art, and the rejections should be withdrawn. Applicants respectfully urge that an indication of allowability for claims 17-18 be provided.

II. Conclusion

With this amendment and response, Applicants believe that the present pending claims of this application are allowable and respectfully requests the Examiner to issue a Notice of Allowance for this application. Should the Examiner deem a telephone conference to be beneficial in expediting allowance/examination of this application, the Examiner is invited to call the undersigned attorney at the telephone number listed below.

Respectfully submitted,



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